

SENATE BILL 2929
By Norris

AN ACT to amend Tennessee Code Annotated, Title 56,
Chapter 8 and Title 56, Chapter 6, relative to
insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-6-117(g), is amended by deleting subdivision (1) and substituting instead the following language as a new, appropriately designated subdivision thereto:

(1) Any documents, materials or other information in the control or possession of the department that is furnished by an insurer, producer or an employee or agent thereof acting on behalf of the insurer or producer, or obtained by the commissioner in an investigation pursuant to this section, shall be confidential by law and absolutely privileged, shall not be subject to § 10-7-503(a), shall not be subject to subpoena, and shall not be subject to discovery or be admissible as evidence in any private civil action, except as set out in this section. The commissioner is authorized to use the documents, material or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties, and the individual or entity being investigated, or counsel for said individual or entity, may discover and obtain a copy of any and all documents, materials or other information in the control or possession of the department regarding an investigation pursuant to this section, and the confidentiality and privilege referenced in this section does not apply to said individuals or entities.

SECTION 2. Tennessee Code Annotated, Section 56-6-120, is amended by adding the following language at the end of the current section:

Notwithstanding the foregoing, the individual or entity being investigated, or counsel for said individual or entity, may discover and obtain a copy of any and all documents, materials or other information in the control or possession of the department regarding an investigation pursuant to this section, and the confidentiality and privilege referenced in this section does not apply to said individuals or entities. Further, if the commissioner issues an order or opens a formal investigation against any individual or entity, then the commissioner must provide the individual or entity being investigated notice of the investigation and charges brought against that person or entity within fifteen (15) days of issuance of the order or opening of the investigation.

SECTION 3. Tennessee Code Annotated, Section 56-8-118, is amended by adding the following language at the end of the section:

Notwithstanding the foregoing, the individual or entity being investigated, or counsel for said individual or entity, may discover and obtain a copy of any and all documents, materials or other information in the control or possession of the department regarding an investigation pursuant to this section, and the confidentiality and privilege referenced in this section does not apply to said individuals or entities.

SECTION 4. This act shall take effect on July 1, 2006, the public welfare requiring it.